

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

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| Kaekilia Leolynn, |) | |
| |) | |
| Plaintiff, |) | ORDER GRANTING MOTION FOR ATTORNEY’S FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT |
| vs. |) | |
| |) | |
| Martin O’Malley, Commissioner of Social Security, |) | |
| |) | Case No. 1:23-cv-214 |
| Defendant. |) | |

Plaintiff initiated this action in November 2023, seeking judicial review of the Commissioner’s final decision denying her application for disability insurance benefits under Title II of the Social Security Act. (Doc. Nos. 1 and 3). On May 1, 2024, Defendant filed an Unopposed Motion to Reverse and Remand pursuant to 42 U.S.C. § 405(g). (Doc. No. 13). On May 14, 2024, the Court issued an order granting Defendant’s motion and remanding this matter to allow the Commissioner to conduct further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. No. 14).

On June 28, 2024, Plaintiff filed a Motion for Award of Attorneys’ Fees Pursuant to the Equal Access to Justice Act (“EAJA”). (Doc. No. 17). Therein Plaintiff requests an award of \$8,000 in attorney’s fees, no expenses, and no costs. She further request that payment of the fees be made directly to counsel based on her Declaration and Assigned of EAJA Fee that she has attached to her motion. (Doc. No. 19-3).

On July 9, 2024, the Commissioner filed a response to Defendant’ motion. (Doc. No. 21). The Commissioner does not oppose the motion and agrees that payment of fees may be made directly to Plaintiff’s counsel if Plaintiff has agreed to assign her rights to EAJA fees to her attorney

and owes no debt that is subject to offset under the Treasury Offset Program.

The Equal Access to Justice Act (“EAJA”) provides that a prevailing party is entitled to an award of fees and expenses in an action brought by or against the United States “unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.” 28 U.S.C. § 2412(d)(1)(A). The court finds that Plaintiff is eligible to receive an award of attorney’s fees as requested. The court further finds that the attorney’s fees requested are reasonable. Accordingly, the Court **GRANTS** the Plaintiff’s Motion for Attorney’s Fees. (Doc. No. 17). The Clerk of Court shall enter judgment for the Plaintiff and against the Defendant for attorney’s fees in the amount of \$8,000.00. These fees shall be payable directly to Plaintiff’s counsel subject to offset to satisfy any pre-existing debt the Plaintiff may owe the United States.

IT IS SO ORDERED.

Dated this 10th day of July, 2024.

/s/ Clare R. Hochhalter

Clare R. Hochhalter, Magistrate Judge
United States District Court